

Senate Amendment 3085

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1 1 Amend Senate File 313 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. Section 20.6, subsection 2, Code 2003,
1 5 is amended to read as follows:
1 6 2. Collect, for public employers other than the
1 7 state and its boards, commissions, departments, and
1 8 agencies, data and conduct studies relating to total
1 9 compensation, including wages, hours, benefits and
1 10 other terms and conditions of public employment and
1 11 make the same available to any interested person or
1 12 organization.
1 13 Sec. 2. NEW SECTION. 20.16A BARGAINING FACTORS.
1 14 The public employer and the certified employee
1 15 organization shall consider, in addition to any other
1 16 relevant factors, the following bargaining factors in
1 17 negotiating a collective bargaining agreement under
1 18 this chapter:
1 19 1. Past collective bargaining contracts between
1 20 the parties including the bargaining that led up to
1 21 such contracts.
1 22 2. Comparison of the total compensation, including
1 23 wages, hours, benefits, and conditions of employment
1 24 of the involved public employees with those of private
1 25 sector and other public employees doing comparable
1 26 work, giving consideration to factors peculiar to the
1 27 area and the classifications involved.
1 28 3. Consideration of the economic cost of each item
1 29 of a proposed collective bargaining agreement and the
1 30 relationship of the cost of each item to the total
1 31 economic cost of a proposed collective bargaining
1 32 agreement.
1 33 4. The interests and welfare of the public and the
1 34 effect on the public employer of financing economic
1 35 adjustments in a collective bargaining agreement on
1 36 the normal standard of services.
1 37 5. The ability of the public employer to finance
1 38 economic adjustments; provided, however, that the
1 39 employer's ability to finance economic adjustments
1 40 shall not be predicated on the premise that the
1 41 employer may increase or impose new taxes, fees, or
1 42 charges, use funds collected and otherwise dedicated
1 43 by law for a special or restricted purpose, or develop
1 44 other sources of revenue.
1 45 6. The present and anticipated future economic
1 46 conditions that may impact the financing of economic
1 47 adjustments, including consideration of the public
1 48 employer's financial condition, the general economic
1 49 condition of the state, and the general condition of
1 50 the economy as a whole.
2 1 Sec. 3. Section 20.17, subsection 6, Code 2003, is
2 2 amended to read as follows:
2 3 6. No collective bargaining agreement or
2 4 arbitrators' decision shall be valid or enforceable if
2 5 its implementation would be inconsistent with any
2 6 statutory limitation on the public employer's funds,
2 7 spending or budget, which includes consideration of
2 8 the bargaining factors enumerated in section 20.16A,
2 9 or would substantially impair or limit the performance
2 10 of any statutory duty by the public employer. A
2 11 collective bargaining agreement or arbitrators' award
2 12 may provide for benefits conditional upon specified
2 13 funds to be obtained by the public employer, but the
2 14 agreement shall provide either for automatic reduction
2 15 of such conditional benefits or for additional
2 16 bargaining if the funds are not obtained or if a
2 17 lesser amount is obtained.
2 18 Sec. 4. Section 20.21, unnumbered paragraph 1,
2 19 Code 2003, is amended to read as follows:
2 20 If the impasse persists ten days after the mediator
2 21 has been appointed, the board shall appoint a fact=

2 22 finder representative of the public, from a list of
2 23 qualified persons maintained by the board. The fact=
2 24 finder shall conduct a hearing, may administer oaths,
2 25 and may request the board to issue subpoenas. The
2 26 fact=finder shall make written findings of facts and
2 27 recommendations for resolution of the dispute, taking
2 28 into consideration the bargaining factors enumerated
2 29 in section 20.16A, and, not later than fifteen days
2 30 from the day of appointment, shall serve such findings
2 31 on the public employer and the certified employee
2 32 organization.

2 33 Sec. 5. Section 20.22, subsection 9, Code 2003, is
2 34 amended by striking the subsection and inserting in
2 35 lieu thereof the following:

2 36 9. The panel of arbitrators shall consider, in
2 37 addition to any other relevant factors, the bargaining
2 38 factors enumerated in section 20.16A.>

2 39 #2. By renumbering as necessary.

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